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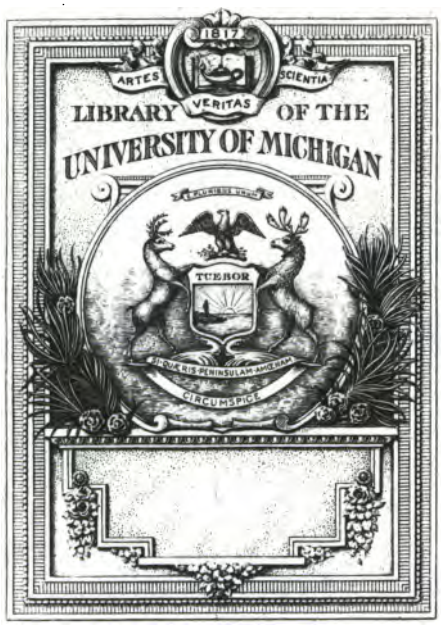
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The True Story of a "Scrap of Paper."

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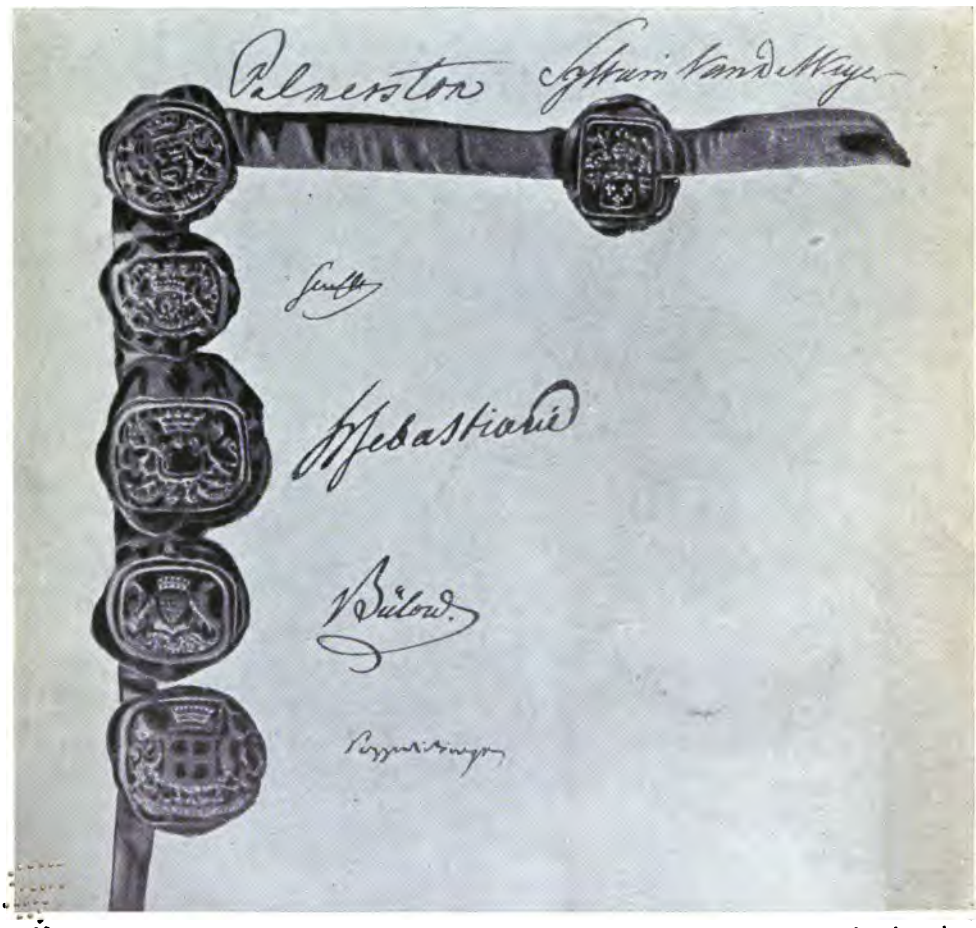
Article VII

La Belgique, dans les limites indiquées aux Articles I, II, et IV, formera un Etat indépendant et perpétuellement neutre. Elle sera tenue d'observer cette même neutralité envers tous les autres Etats.

Article VII of the treaty of 1839 which guaranteed the independence and perpetual neutrality of Belgium.



Last page of the treaty of 1839 which guaranteed the neutrality of Belgium, showing the seals and signatures of the plenipotentiaries of Austria, Great Britain, Belgium, France, Russia, and Prussia.

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From copy furnished by the British Ambassador at Washington.

DESPATCH FROM THE BRITISH AMBASSADOR AT BERLIN RESPECTING THE RUPTURE OF DIPLOMATIC RELATIONS WITH THE GERMAN GOVERNMENT

(It is in this confidential letter that the ambassador relates the "scrap of paper" incident.)

Sir E. Goschen to Sir Edward Grey.

Sir, *London, August 8, 1914.*

In accordance with the instructions contained in your telegram of the 4th instant I called upon the Secretary of State that afternoon and enquired, in the name of His Majesty's Government, whether the Imperial Government would refrain from violating Belgian neutrality. Herr von Jagow at once replied that he was sorry to say that his answer must be "No," as in consequence of the German troops having crossed the frontier that morning, Belgian neutrality had been already violated. Herr von Jagow again went into the reasons why the Imperial Government had been obliged to take this step, namely, that they had to advance into France by the quickest and easiest way, so as to be able to get well ahead with their operations and endeavor to strike some decisive blow as early as possible. It was a matter of life and death for them, as if they had gone by the more southern route they could not have hoped, in view of the paucity of roads and the strength

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of the fortresses, to have got through without formidable opposition entailing great loss of time. This loss of time would have meant time gained by the Russians for bringing up their troops to the German frontier. Rapidity of action was the great German asset, while that of Russia was an inexhaustible supply of troops. I pointed out to Herr von Jagow that this *fait accompli* of the violation of the Belgian frontier rendered, as he would readily understand, the situation exceedingly grave, and I asked him whether there was not still time to draw back and avoid possible consequences, which both he and I would deplore. He replied that, for the reasons he had given me, it was now impossible for them to draw back.

During the afternoon I received your further telegram of the same date, and, in compliance with the instructions therein contained, I again proceeded to the Imperial Foreign Office and informed the Secretary of State that unless the Imperial Government could give the assurance by 12 o'clock that night that they would proceed no further with their violation of the Belgian frontier and stop their advance, I had been instructed to demand my passports and inform the Imperial Government that His Majesty's Government would have to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany was as much a party as themselves.

Herr von Jagow replied that to his great regret he could give no other answer than that which he had given me earlier in the day, namely, that the safety of the Empire rendered it absolutely necessary that the Imperial troops should advance through Belgium. I gave his Excellency a written summary of your telegram and, pointing out that you had mentioned 12 o'clock as the time when His Majesty's Government would expect an answer, asked him whether, in view of the terrible consequences which would

necessarily ensue, it were not possible even at the last moment that their answer should be reconsidered. He replied that if the time given were even twenty-four hours or more, his answer must be the same. I said that in that case I should have to demand my passports. This interview took place at about 7 o'clock. In a short conversation which ensued Herr von Jagow expressed his poignant regret at the crumbling of his entire policy and that of the Chancellor, which had been to make friends with Great Britain and then, through Great Britain, to get closer to France. I said that this sudden end to my work in Berlin was to me also a matter of deep regret and disappointment, but that he must understand that under the circumstances and in view of our engagements, His Majesty's Government could not possibly have acted otherwise than they had done.

I then said that I should like to go and see the Chancellor, as it might be, perhaps, the last time I should have an opportunity of seeing him. He begged me to do so. I found the Chancellor very agitated. His Excellency at once began a harangue, which lasted for about 20 minutes. He said that the step taken by His Majesty's Government was terrible to a degree; just for a word—"neutrality," a word which in war time had so often been disregarded—just for a scrap of paper Great Britain was going to make war on a kindred nation who desired nothing better than to be friends with her. All his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since his accession to office had tumbled down like a house of cards. What we had done was unthinkable; it was like striking a man from behind while he was fighting for his life against two assailants. He held Great Britain responsible for all the terrible events that might happen.

I protested strongly against that statement, and said that, in the same way as he and Herr von Jagow wished me to understand that for strategical reasons it was a matter of life and death to Germany to advance through Belgium and violate the latter's neutrality, so I would wish him to understand that it was, so to speak, a matter of "life and death" for the honor of Great Britain that she should keep her solemn engagement to do her utmost to defend Belgium's neutrality if attacked. That solemn compact simply had to be kept, or what confidence could anyone have in engagements given by Great Britain in the future? The Chancellor said, "But at what price will that compact have been kept. Has the British Government thought of that?" I hinted to his Excellency as plainly as I could that fear of consequences could hardly be regarded as an excuse for breaking solemn engagements, but his Excellency was so excited, so evidently overcome by the news of our action, and so little disposed to hear reason that I refrained from adding fuel to the flame by further argument. As I was leaving he said that the blow of Great Britain joining Germany's enemies was all the greater that almost up to the last moment he and his Government had been working with us and supporting our efforts to maintain peace between Austria and Russia. I said that this was part of the tragedy which saw the two nations fall apart just at the moment when the relations between them had been more friendly and cordial than they had been for years. Unfortunately, notwithstanding our efforts to maintain peace between Russia and Austria, the war had spread and had brought us face to face with a situation which, if we held to our engagements, we could not possibly avoid, and which unfortunately entailed our separation from our late fellow-workers. He would readily understand that no one regretted this more than I.

After this somewhat painful interview I returned to the embassy and drew up a telegraphic report of what had passed. This telegram was handed in at the Central Telegraph Office a little before 9 P.M. It was accepted by that office, but apparently never despatched.*

At about 9.30 P.M. Herr von Zimmermann, the Under-Secretary of State, came to see me. After expressing his deep regret that the very friendly official and personal relations between us were about to cease, he asked me casually whether a demand for passports was equivalent to a declaration of war. I said that such an authority on international law as he was known to be must know as well or better than I what was usual in such cases. I added that there were many cases where diplomatic relations had been broken off and, nevertheless, war had not ensued; but that in this case he would have seen from my instructions, of which I had given Herr von Jagow a written summary, that His Majesty's Government expected an answer to a definite question by 12 o'clock that night and that in default of a satisfactory answer they would be forced to take such steps as their engagements required. Herr Zimmermann said that that was, in fact, a declaration of war, as the Imperial Government could not possibly give the assurance required either that night or any other night.

In the meantime, after Herr Zimmermann left me, a flying sheet, issued by the *Berliner Tageblatt,* was circulated stating that Great Britain had declared war against Germany. The immediate result of this news was the assemblage of an exceedingly excited and unruly mob before His Majesty's Embassy. The small force of police which had been sent to guard the embassy was soon overpowered, and the attitude of the mob became more threatening. We took no notice of this demonstration as long

*** This telegram never reached the British Foreign Office.**

as it was confined to noise, but when the crash of glass and the landing of cobble stones into the drawing-room, where we were all sitting, warned us that the situation was getting unpleasant, I telephoned to the Foreign Office an account of what was happening. Herr von Jagow at once informed the Chief of Police, and an adequate force of mounted police, sent with great promptness, very soon cleared the street. From that moment on we were well guarded, and no more direct unpleasantness occurred.

After order had been restored Herr von Jagow came to see me and expressed his most heartfelt regrets at what had occurred. He said that the behavior of his countrymen had made him feel more ashamed than he had words to express. It was an indelible stain on the reputation of Berlin. He said that the flying sheet circulated in the streets had not been authorized by the Government; in fact, the Chancellor had asked him by telephone whether he thought that such a statement should be issued and he had replied, "Certainly not, until the morning." It was in consequence of his decision to that effect that only a small force of police had been sent to the neighborhood of the embassy, as he had thought that the presence of a large force would inevitably attract attention and perhaps lead to disturbances. It was the "pestilential *Tageblatt*," which had somehow got hold of the news, that had upset his calculations. He had heard rumors that the mob had been excited to violence by gestures made and missiles thrown from the embassy, but he felt sure that that was not true (I was able soon to assure him that the report had no foundation whatever), and even if it was, it was no excuse for the disgraceful scenes which had taken place. He feared that I would take home with me a sorry impression of Berlin manners in moments of excitement. In fact, no apology could have been more full and complete.

On the following morning, the 5th August, the Emperor sent one of His Majesty's aides-de-camp to me with the following message:—

"The Emperor has charged me to express to your Excellency his regret for the occurrences of last night, but to tell you at the same time that you will gather from those occurrences an idea of the feelings of his people respecting the action of Great Britain in joining with other nations against her old allies of Waterloo. His Majesty also begs that you will tell the King that he has been proud of the titles of British Field-Marshal and British Admiral, but that in consequence of what has occurred he must now at once divest himself of those titles."

I would add that the above message lost none of its acerbity by the manner of its delivery.

On the other hand, I should like to state that I received all through this trying time nothing but courtesy at the hands of Herr von Jagow and the officials of the Imperial Foreign Office. At about 11 o'clock on the same morning Count Wedel handed me my passports—which I had earlier in the day demanded in writing—and told me that he had been instructed to confer with me as to the route which I should follow for my return to England. He said that he had understood that I preferred the route *via* the Hook of Holland to that *via* Copenhagen; they had therefore arranged that I should go by the former route, only I should have to wait till the following morning. I agreed to this, and he said that I might be quite assured that there would be no repetition of the disgraceful scenes of the preceding night as full precautions would be taken. He added that they were doing all in their power to have a restaurant car attached to the train, but it was rather a difficult matter. He also brought me a charming letter from Herr von Jagow couched in the most friendly terms. The day was passed in packing up such articles as time allowed.

The night passed quietly without any incident. In the morning a strong force of police was posted along the usual

route to the Lehrter Station, while the embassy was smuggled away in taxi-cabs to the station by side streets. We there suffered no molestation whatever, and avoided the treatment meted out by the crowd to my Russian and French colleagues. Count Wedel met us at the station to say good-bye on behalf of Herr von Jagow and to see that all the arrangements ordered for our comfort had been properly carried out. A retired colonel of the Guards accompanied the train to the Dutch frontier, and was exceedingly kind in his efforts to prevent the great crowds which thronged the platforms at every station where we stopped from insulting us; but beyond the yelling of patriotic songs and a few jeers and insulting gestures we had really nothing to complain of during our tedious journey to the Dutch frontier.

Before closing this long account of our last days in Berlin I should like to place on record and bring to your notice the quite admirable behavior of my staff under the most trying circumstances possible. One and all, they worked night and day with scarcely any rest, and I cannot praise too highly the cheerful zeal with which counsellor, naval and military attachés, secretaries, and the two young attachés buckled to their work and kept their nerve with often a yelling mob outside and inside hundreds of British subjects clamoring for advice and assistance. I was proud to have such a staff to work with, and feel most grateful to them all for the invaluable assistance and support, often exposing them to considerable personal risk, which they so readily and cheerfully gave to me.

I should also like to mention the great assistance rendered to us all by my American colleague, Mr. Gerard, and his staff. Undeterred by the hooting and hisses with which he was often greeted by the mob on entering and leaving the embassy, his Excellency came repeatedly to see

me to ask how he could help us and to make arrangements for the safety of stranded British subjects. He extricated many of these from extremely difficult situations at some personal risk to himself, and his calmness and *savoir-faire* and his firmness in dealing with the Imperial authorities gave full assurance that the protection of British subjects and interests could not have been left in more efficient and able hands.

I have etc.,

W. E. GOSCHEN.

As a single example of the thoroughness of the methods employed in collecting materials for THE GREAT WAR it may be of interest to know that when we wanted to secure the *complete* text of the Treaty of 1839 guaranteeing the neutrality of Belgium we applied to the Belgian Minister at Washington and were very much surprised to receive from him a letter in which he said:

"I regret very much to inform you that I have no copy, nor photograph, nor facsimile of the complete text of the Treaty of 1839 which guaranteed the perpetual neutrality of Belgium."

Surely one may be pardoned in expressing surprise that there was no copy of this most important treaty affecting Belgium's very existence in the Belgian Legation. We secured a copy of the complete text, a facsimile of the famous seventh article, and a photograph of the seals and signatures of the plenipotentiaries, and subscribers to this history will have what is probably not to be found in any of the Embassies at Washington or elsewhere.

Official Text of the Treaties Guaranteeing the Independence and Perpetual Neutrality of Belgium

Treaty between Austria, France, Great Britain, Prussia, and Russia of the one part and Belgium of the other. Concluded and signed at London, 19 April 1839.

In the name of the Most Holy and Indivisible Trinity:

Article I. His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the French, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the King of Prussia and His Majesty the Emperor of all the Russias, declare that the articles hereto annexed and forming the tenor of the treaty concluded this day between His Majesty the King of the Belgians and His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, are considered as having the same force and value as if they were textually inserted in the present act, and that they are thus placed under the guarantee of their said Majesties.

Article II. The Treaty of 15 November 1831, between His Majesty the King of the Belgians and Their Majesties the Emperor of Austria, King of Hungary and Bohemia, the King of the French, the Queen of the United Kingdom of Great Britain and Ireland, the King of Prussia and

the Emperor of all the Russias, is declared not to be binding upon the high contracting parties.

ARTICLE III. The present treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner, if it can be done. This exchange shall take place at the same time as the ratifications of the treaty between Belgium and Holland.

In faith of which the respective plenipotentiaries have signed the present treaty and set the seal of their arms.

Done at London, the nineteenth April, in the year of grace one thousand eight hundred and thirty-nine.

(*Seal*) PALMERSTON (*Seal*) SYLVAIN VAN DE WEYER
(*Seal*) SENFFT
(*Seal*) SEBASTIANI
(*Seal*) BÜLOW
(*Seal*) POZZO DI BORGO

As will be seen, the above treaty confirms the provisions of the other treaty signed the same day "as having the same force and value as if they were textually inserted in the present act."

The following is a complete translation of the other treaty except that some of the long, unimportant articles are condensed.

Official Copy made at Brussels Conformable to the Collated Text, Word by Word, of the Original Instrument Signed by the Respective Plenipotentiaries

Treaty made and signed at London, 19 April 1839, between Belgium and Holland, relative to the separation of their respective territories.

In the name of the Most Holy and Indivisible Trinity:

His Majesty the King of the Belgians and His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, taking into consideration their treaties concluded with the Courts of Austria, of France, of Great Britain, of Prussia and of Russia, to wit: by His Majesty the King of the Belgians, the 15 November 1831, and by His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, this day, their said Majesties have named as their plenipotentiaries:

His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Officer of the Order of Leopold, Grand-Cross of the Order of Ernest of Saxony, of the Order of the Tower and the Sword, of the Military and Religious Order of Saints Maurice and Lazarus, Commander of the Royal Order of the Legion of Honor, etc., etc.:

And His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, the Sieur Salomon Dedel, Commander of the Order of the Lion of Netherlands, Commander of the Order of the Polar Star of Sweden, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty,

Who, after having communicated their full powers, found in good and due form, have agreed on the following articles:

ARTICLE I. The Belgian territories shall comprise the southern provinces of Brabant,

Liège,
Namur,
Hainaut,
West Flanders,
East Flanders,
Antwerp, and
Limburg,

Such as they have formed part of the united kingdom of the Netherlands, constituted in 1815, with the exception of the districts in the province of Limburg set out in Article IV.

The Belgian territory shall comprise, in addition, the part of the grand-duchy of Luxemburg set out in Article II.

ARTICLE II. His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, agrees that, in the grand-duchy of Luxemburg, the limits of the Belgian territory shall be as described hereunder:

(Then follows the description of the line of frontier to be established between Belgium and the grand-duchy of Luxemburg.)

ARTICLE III. For the cessions made in the preceding article, a territorial indemnity shall be assigned to the King of the Netherlands, Grand-Duke of Luxemburg, in the province of Limburg.

ARTICLE IV. In the execution of the part of Article I relative to the province of Limburg, and as a consequence of the cessions made by His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, in Article II, his said Majesty shall possess, either as Grand-Duke of Luxemburg, or to be united with Holland the territories whose limits are set forth hereunder:

(Then follow [1] the lines of the territory on the right bank of the Meuse, forming the part of Limburg to be ceded; and [2] the boundaries of the territory to the south of Dutch Brabant on the left bank of the Meuse to be similarly ceded to Holland. The former Dutch limits in the province of Limburg, on the left bank of the Meuse shall belong to Belgium, except the town of Maestricht and a strip of territory of 2400 yards.)

ARTICLE V. His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, shall come to an agreement with the Germanic Confederation and the agnates of the House of Nassau as to the application of the stipulations made in Articles III and IV, as well as to all the arrangements that may be necessary in relation to said articles, both with the above-named House of Nassau and the Germanic Confederation.

ARTICLE VI. In virtue of the territorial arrangements stipulated above, each of the two parties renounces reciprocally, in perpetuity, all claim upon the territories, towns, places and spots situated in the limits of the possessions of the other party, as described in Articles I, II, and IV.

(Provision is made for the commissioners of the two countries to meet at Maestricht to mark out the said limits.)

ARTICLE VII. Belgium, within the limits indicated in Articles I, II, and IV, shall form an independent and perpetually neutral State.

She shall be held to observe the same neutrality toward all the other States.

ARTICLE VIII. Provides for the regulation of the flow of the waters of Flanders.

(Then follow details.)

ARTICLE IX. Provides for the free navigation of rivers and navigable streams which separate or flow through the adjacent territories of the two countries.

(Then follow details.)

ARTICLE X. The use of canals that cross both countries shall continue to be free and common to their inhabitants.

It is understood that they will enjoy reciprocal advantages on the same conditions; and that neither party shall impose other than moderate dues for the navigation of the canals.

ARTICLE XI. The commercial communications by the town of Maestricht, and by that of Sittard, shall remain wholly free and cannot be restricted under any pretence.

Further stipulation is made as to keeping the roads from the above-named towns to the German frontier unobstructed and in good condition, and that only moderate tolls shall be levied.

ARTICLE XII. Provides that if Belgium shall open a new road or canal which shall extend to the canton of Sittard, Holland shall permit the continuation of such road or canal at the expense of Belgium to the frontier of Germany, and provides further for levying of dues and tolls.

ARTICLE XIII. Provides that Belgium will assume the charge of five million Dutch florins for annual interest and the capital thereof of the public debt of the Netherlands; for the validity of such debt; the payment of interest; its finality of obligation in respect of the public debt of Holland on the part of Belgium; and for the method of

transfer of debt, and the delivery of archives, charts and documents belonging to Belgium.

ARTICLE XIV. The port of Antwerp, in conformity with the stipulations of Article XV of the Treaty of Paris of 30 May 1814, will continue to be solely a port of commerce.

ARTICLE XV. Works of public or private utility, such as canals, roads, or others of similar character, constructed in whole or in part at the cost of the Netherlands, shall belong, together with the benefits and charges appertaining thereto, to the country in which they are situated.

(Then follows an agreement as to what shall be considered as charges on such works.)

ARTICLE XVI. Provides for the restoration of all properties sequestrated in Belgium during the troubles, for political reasons.

ARTICLE XVII. Gives right to persons in territory transferred by the treaty to dispose of their property and remove to the other country.

Further, expressly renounces on the part of both countries the right to tax as aliens the subjects of the other.

ARTICLE XVIII. The status of mixed subject, as relates to property, shall be recognized and maintained.

ARTICLE XIX. Adopts the regulations of the treaty between Austria and Russia of 3 May 1815, which are an integral part of the Acts of the Congress of Vienna, relating to mixed owners, their election of domicile, the rights which they may exercise as subjects of one or the other State, and to the conditions of neighborhood in respect of properties lying on each side of the frontier, for both owners and properties in Belgium, Holland or the Grand-Duchy of Luxemburg.

Mineral products are included in the products of the soil mentioned in the treaty of 3 May 1815 referred to.

Further, all alien taxes are agreed to be null and void in Belgium, Holland and the Grand-Duchy of Luxemburg as among the three countries.

ARTICLE XX. No person in the countries of changed dominion, shall be sought out or disturbed in any way for any direct or indirect participation in political events.

ARTICLE XXI. Provides for payment of pensions and salaries to all persons entitled thereto in conformity with the law in force on 1 November 1830.

It is agreed that such pensions and salaries as are due to persons born on Belgian territory shall be a charge on the Belgian treasury and of those born on Netherlands territory shall be chargeable to that country.

ARTICLE XXII. Prescribes the regulations for adjusting claims of Belgian subjects.

ARTICLE XXIII. Stipulates that all judgments rendered in civil and commercial actions and the acts of public officials of Belgium shall be upheld in the parts of Limburg and the Grand-Duchy of Luxemburg that are to be transferred.

ARTICLE XXIV. Provides for the evacuation of the territory by the military forces and the transfer by the civil authorities, in fifteen days, or earlier, if possible.

ARTICLE XXV. In pursuance of the stipulations of this treaty, there shall be peace and friendship between His Majesty the King of the Belgians, on the one part, and His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, on the other part, their heirs and successors, their States and their respective subjects.

ARTICLE XXVI. The present treaty shall be ratified and the ratifications shall be exchanged at London in six weeks, or earlier, if possible. This exchange shall take place at the same time as that of the ratification of the treaty made this day between His Majesty the King of the Netherlands,

Grand-Duke of Luxemburg, and Their Majesties the Emperor of Austria, King of Hungary and of Bohemia, the King of the French, the Queen of the United Kingdom of Great Britain and Ireland, the King of Prussia and the Emperor of all the Russias.

In faith hereof, the respective plenipotentiaries have signed the present treaty and set thereagainst the seal of their arms.

Done at London, the nineteenth day of April in the year of grace one thousand eight hundred and thirty-nine.

(*Seal*) SYLVAIN VAN DE WEYER.

(*Seal*) DEDEL.